



Snoqualmie Indian Tribe

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Via Electronic Mail

April, 16, 2012

United States Army Corps of Engineers

E-mail: tammy.conforti@usace.army.mil

Re: *Docket Number: COE-2010-0007*

To Whom It May Concern,

The Snoqualmie Indian Tribe hereby submits the following comments associated with the docket number referenced above. Thank you for accepting our comments.

The Snoqualmie Tribe has resided in the Puget Sound Basin since long before levees were put in place. Historically, the Snoqualmie people constructed temporary structures along the Snoqualmie River which could be dismantled and moved out of the flood zone, insuring that no threats to public safety or property would be incurred. By taking these measures, the Snoqualmie people were safe from the threat of flooding without ever needing to construct or maintain levees. The Snoqualmie people relied heavily on the seasonal harvest of forest products from many riparian tree species for tools, clothing, food, medicine and other uses. These species include tall growing trees such as *Thuja plicata*, *Acer macrophyllum*, *Picea stichensis*, *Populus trichocarpa*, and *Alnus rubra*. None of these species are considered suitable on levees under PL 84-99. Many of the species that are listed as "vegetation considered suitable" in the PL 84-99 such as *Acer circinatum* grow in moist to wet places under other trees, where a moderate amount of light reaches the forest floor through canopy openings and forest edges. These moist

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shaded conditions are not likely to be met by the by the vegetation criteria listed in PL 84-99, and as a result these species will have limited presence on levees managed under PL 84-99.

The proposed Policy Guidance Letter (PGL) that defines the process for requesting a variance from vegetation standards for levees and floodwalls is not adequate to insure compliance with ESA or Trust Responsibility to Treaty Tribes. As Richard Reich of the Muckleshoot Indian Tribe put it, "trees [on levees] should be innocent until proven guilty." The PGL requirements necessary to receive a variance are not cost effective and place undue burden on levee sponsors. The PGL rewards levee sponsors for complying with PL 84-99 guidelines and makes it onerous for them to comply with NEPA, ESA, and other applicable environmental resource protection statutes. In order to participate in PL 84-99, the proposed PGL dictates that levee sponsors are responsible for providing all background studies, data, and other information required for USACE to complete the environmental compliance process under NEPA, ESA, and other applicable environmental resource protection statutes. As a responsible partner, USACE should provide assistance to levee sponsors so that the best available science is used to inform USACE's environmental compliance process under NEPA, ESA, and other applicable environmental resource protection statutes.

The time frame to receive an approved variance is too long and the process too complicated. As a result, this will preclude many levee sponsors from applying for variances at all. The result of this will be under-vegetated levees that become low quality habitat with little biodiversity and intense pressure from noxious weeds and non-native invasive species. The proposed PGL presents a liability to levee sponsors with regard to the ESA and Tribal Treaty Rights because in seeking

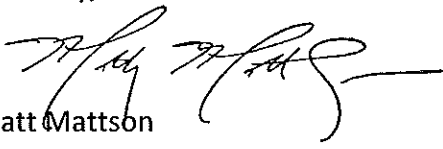
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to comply with PL 84-99, sponsors will effectually negate compliance with these other environmental resource protection statutes. The PGL does not address how Tribal Treaty Rights and ESA concerns will be reflected in the variance process.

Enclosure 3, Figure 2: Pit/Mound Topography is not a regional example and needs to be modified to more accurately model how Puget Sound tree species will react under similar circumstances. Restoring mature and old growth riparian conditions in the Puget Sound is a necessary step toward salmon habitat recovery. We suggest that the PGL provide options for levee sponsors to request that USACE over build levees in such a way that >100ft plant height overturning alterations to the levee cross section would not cause any threat to the structural integrity of the levee. Alternatively, USACE could provide a long term incremental process for setting back the levees over 50 – 100 years.

Thank you for considering our comments to COE-2010-0007. Please direct questions to (425) 292-0249 ext. 2100 or njander@snoqualmienation.com

Sincerely,


Matt Mattson
Tribal Administrator

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